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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,078	08/14/2000	Fernando Jose Barros Rodrigues da Silva	13137	1036

7590 10/27/2003

Paul J Esatto Jr
Scully Scott Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

EXAMINER

CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 10/27/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary

Application No.

09/638,078

Applicant(s)

RODRIGUES DA SILVA,
FERNANDO JOSE BARRO

Examiner

John Q. Chavis

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. The claimed invention in claims 27-47 is directed to non-statutory subject matter. In the previous action the examiner indicated a suggestion to make the claims statutory. Specifically, the examiner indicated that the invention was merely a program and should be embodied in a computer readable medium. Instead the applicant indicated that his invention is embodied in a software system; which is not considered a computer readable medium. Therefore, without repeating the details of the previous rejection, the rejection is maintained. Furthermore, the dependent claims do not resolve the problems with the respective parent claims (27 and 47) and are therefore rejected for the same reason.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 27-32 and 37-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Wold (5,724,589).

Claims

27. A software unit executable in a software system that includes a

Wold

See the title and abstract.

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plurality of software units, the
software unit comprising:

an output gate for transmitting a
message to invoke a method at one or
more of the plurality of software units;
and

See figs. 3, 4 and 7.

a variable accessed at runtime that
identifies the one or more of the
plurality of software units that is to
receive the message and identifies the
method that is to be executed at the
identified one or more of the plurality
of software units.

See col. 4 lines 33-41.

In reference to claims 28-29, see the rejection of claim 27 above.

As per claim 30, see col. 4 lines 42-55.

Claim 31 is rejected via col. 4 lines 8-32.

The features of claim 32 are taught via the “runtime” feature in col. 4 lines 56-67.

In reference to claims 37, see col. 3 lines 58-65, which indicates that software
units are “context free” and therefore can inherently exist in different locations.

As per claim 38, see col. 4 lines 8-19, which clearly indicates that units are
concurrently active and also see the cited portions below for claims 40-42.

Claim 39 is rejected via col. 8-32 and col. 15 lines 32-37.

The features of claim 40 are taught via col. 5 lines 50-67.

In reference to claim 41, see the fig. 2, item 271 and col. 5 lines 50-67.

As per claim 42, see fig. 1-A, item 102 and col. 5 lines 50-67.

Claim 43 is rejected via fig. 7.

The features of claim 44 are taught via col. 11 lines 15-23 and col. 14 lines 15-17.

In reference to claims 45, see col. 8 lines 40-44.

As per claim 46, see col. 9 lines 15-46.

Claim 47 is rejected as claim 27, *supra*.

5. Applicant's arguments with respect to claims 27-47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Chavis whose telephone number is 703-305-9665. The examiner can normally be reached on 8:30 am-5:00 pm Est.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3900.



Jqc
October 19, 2003



JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124